



# *Licensing Board*

March 23, 2009 - 7:00 p.m. – **Agenda**  
133 William Street, Room 314

View Minutes

\* \* \*

**PRESENT:** Steven A. Beauregard, Chairman  
Ronald E. Frenette, Commissioner  
Capt. Steven Vicente, Liaison to the Licensing Board  
Nick Nanopoulos, Director

## **APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

### **Transfer - Tr. # 102 - (Plot # 93--180)**

**Dream Café, Inc., Lenny DoCarmo, President**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Gilberto, Inc. d/b/a Atlantis Café & Restaurant**. **Gilberto M. Ferreira** is the President, Treasurer, Co-Director, Co-Shareholder (50%) and the **Proposed Manager**; and **Maria S. Ferreira** is the Secretary, Co-Director, and Co-Shareholder (50%) of the Corporation. Premises will remain the same at **1218 Acushnet Avenue**.

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to **Chapter 304 Fire Acts Compliance**.

**Approved By ABCC – 03/12/09**

### **1. APPLICATION, Trans. # 073 – (Plot # 25--88)**

**Portuguese Sports Club, Inc., 56 Delano Street**, requesting the approval of **Jose Calheta**, who resides at **142 Tickle Road, Westport, MA.** as their new Manager.

### **2. APPLICATION, Trans. # 044 – (Plot #93--35)**

**Marisqueira Madeira, Inc., Carlos A. Madeira, Manager**, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages licensed premises** located at **1178 Acushnet Avenue**, to include an outside Patio Area approximately 2,530 sq. ft. (46' x 55'), which will be contiguous to the rear of the building; and will include an outside dining area and bar area, which will have one entrance/exit into the rear of the already licensed premises, and one exit into the parking lot located at the rear of the building.

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to Chapter 304 Fire Acts Compliance.

**Application has been advertised; Abutters have been notified**

### **3. APPLICATION, Trans. # 031 – (Plot #23--9)**

**Adega Company, Inc., Antonio J. Fialho, President**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Aventura Company, Inc. d/b/a Fresca Grill**, **Victor Pinto** is President, Co-Director, and Co-Shareholder (250), **Luis M. Cordeiro** is Treasurer, Co-Director, and Co-Shareholder (250), and **Nuno Seco** is Clerk, Co-Director, and Co-Shareholder (250); and **Deanna M. Vieira** is the **Proposed Manager**; also, a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Citizens~Union Savings Bank**, 4 South Main Street, P.O. Box 1311, Fall River, MA., as security to authorize and secure a Term Note to the Bank from Aventura Company, Inc. in the face amount of Two-Hundred Twenty Thousand and 00/100 (**\$220,000.00**) Dollars., pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same at **418-420 Rivet Street**.

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to Chapter 304 Fire Acts Compliance.

*Application has been advertised*

**4. APPLICATION, Trans. # 220 – (Plot #69—1)**

**West End Grille, LLC**, which is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Beverages License**. **Maria J. Tremblay** is the **Sole Member, Co-Manager, and Sole Interest Holder of the LLC**; **Monica D. Charbonneau** is a Co-Manager of the LLC, and **Michelle D. Eugenio** is also a Co- Manager of the LLC and the **Proposed Liquor License Manager**. Premises consist of One (1) room for dining, a full kitchen with stock area, and two (2) handicapped restrooms in an area approximately 1,564 sq. ft. on the first floor of a one-story building. There is one (1) entrance/exit in the front of the building and one (1) additional exit on the Rockdale Avenue side of the building.

Premise is situated on the south side of Rockdale Avenue on the Corner of Rockdale Avenue and Parker Street, and numbered **1000 Rockdale Avenue**.

Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, and a signed **‘Fire & Building Certificate’** with regard to Chapter 304 Fire Acts Compliance.

*Application has been advertised; Abutters have been notified.*

**Tabled at 03/09/09 Meeting - Applicant Failed To Appear As Requested**

**5. APPLICATION,**

**Nucleo Sportinguista #82, Sergio Franco, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a **‘Benefit/Humanitarian Group - Portugal’** to be held at the **Nucleo Sportinguista #82 Club**, located at **1561-1563 Acushnet Avenue**; and to be held on **Saturday, March 28, 2009, from 6:00 p.m. until 11:45 p.m.**

**6. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Denise Robitaille, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a **‘Wedding Reception’** to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, which will be held on **Saturday, March 28, 2009, from 6:00 p.m. until 11:00 p.m.**

**7. APPLICATION, (No Representation Needed)**

**Rotary Club of New Bedford, Inc. Sarah Lamothe, President** who is requesting approval of an application for a **Special One Day “Charity Wine Pouring License”** for their **‘Annual Wine Tasting Fundraiser’** to be held in the **Café Funchal Banquet Hall**, located at **123 Church Street**, which will be held on **Thursday, April 2, 2009, from 6:00 p.m. until 9:00 p.m.**

**8. APPLICATION, (No Representation Needed)**

**Team Cure Catchers, Danny Alberto, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a **‘Fundraiser/ American Cancer Society’** to be held in the **Luzo Fishing Gear Parking Lot**, located at **126 MacArthur Drive**, which will be held on **Saturday, May 30, 2009, from 12:00 p.m. until 7:00 p.m.**

**Tabled at 03/09/09 Meeting - Applicant Failed To Appear**

**9. APPLICATION,**

**Christopher L. Souza**, who resides at **6 Cedar Lane, Westport, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for Southeast Motors**, with premises situated at **297 Belleville Road**.

**Note:** Site was previously licensed to **Paulo Silva & Christina Teixeira d/b/a Southeast Motors**, which was not renewed for 2009; and was previously approved for the display of **Twelve (12) cars by Inspectional Services**. Approval of the Motor Vehicle Class II License will require a **‘Certificate of Inspection’** from the **Office of Inspectional Services**, a **\$25,000.00 Bond, a Notarized Letter** stating where repairs will be done, and a **‘Business Certificate’** from the **Office of the City Clerk**.

**Tabled at 03/09/09 Meeting, per Atty. Medeiros’s Request**

## **10. Hearing: Simba, Inc. d/b/a**

### **'VISIONS'**

**Kristina Morrow, Manager – 2<sup>nd</sup> Offense (On Probation)**  
**226 Union Street**

Your presence, and that of **Michelle Pereira, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

### **Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

### **Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

### **Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a female bartender later identified as **Michelle Pereira**, who was later informed that she allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 31, 2009 @ approximately 9:23 p.m. - #2009 – 00176/5**

**Note: An additional Police Report (#2009 – 03203) regarding an underage (19) female being on the premises was received on 03/03/09.**

**Rec'd 03/04/09** - A written request from Atty. Michael Medeiros for a continuance of the hearing scheduled for Visions Night Club **on March 9<sup>th</sup>, 2009**, since he will be out of the state on said date at a preplanned family event.

## **11. REQUEST**

A written request was received on 03/10/09 from Denise Gaudette and James Roy of the Substance Abuse Task Force to address the Board with regard to several matters based on the perspective of the N.B. Substance Abuse Task Force regarding the "Underage Stings", which have been conducted through grant money obtained by their group, and which have been conducted over the past 4 months by the N. B. Police Department.

- **CORRESPONDENCE**

-NONE RECEIVED-

- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS**

| <b><u>NAME</u></b>             | <b><u>POLICE REPORT#</u></b> | <b><u>DATE</u></b> | <b><u>VIOLATION "STINGS"</u></b>                               |
|--------------------------------|------------------------------|--------------------|--|
| 1. Barry's Fine Wine & Spirits | #2009 – 00176/10             | 03/13/09           | Serving Underage/Sting<br>(5 <sup>th</sup> Offense – See Card) |
| 2. Café Portugal               | #2009 – 00176/8              | 03/07/09           | Serving Underage/Sting<br>(1 <sup>st</sup> Offense)            |
| 3. Casa Do Benfica             | #2009 – 00176/7              | 03/06/09           | Serving Underage/Sting<br>(1 <sup>st</sup> Offense)            |
| 4. Central Liquors             | #2009 – 00176/11             | 03/14/09           | Serving Underage/Sting   |

|   |                  |          |   |
|---|------------------|----------|---|
|   |                  |          | (1 <sup>st</sup> Offense)                           |
| 5. Clube Recordacoes                          | #2009 – 00176/7  | 03/06/09 | Serving Underage/Sting<br>(1 <sup>st</sup> Offense) |
| 6. Costa's Sunoco                             | #2009 – 00176/10 | 03/13/09 | Serving Underage/Sting<br>(2 <sup>nd</sup> Offense) |
| 7. Finest Liquors                             | #2009 – 00176/11 | 03/14/09 | Serving Underage/Sting<br>(1 <sup>st</sup> Offense) |
| 8. Food Mart (Lukoil)<br>(30 Rockdale Avenue) | Info To Follow   |          | Serving Underage/Sting<br>(2 <sup>nd</sup> Offense) |
| 9. Freitas Package Store                      | Info To Follow   |          | Serving Underage/Sting<br>(4 <sup>th</sup> Offense) |
| 10. New Wave Café                             | #2009 – 00176/8  | 03/07/09 | Serving Underage/Sting<br>(2 <sup>nd</sup> Offense) |
| 11. Octane Sports Bar                         | #2009 – 00176/7  | 03/06/09 | Serving Underage/Sting<br>(1 <sup>st</sup> Offense) |
| 12. P & D Mini-Mart                           | #2009 – 00176/11 | 03/14/09 | Serving Underage/Sting<br>(4 <sup>th</sup> Offense) |
| 13. Portuguese American Athletic Club         | #2009 – 00176/7  | 03/06/09 | Serving Underage/Sting<br>(1 <sup>st</sup> Offense) |
| 14. R & B Liquors                             | #2009 – 00176/10 | 03/13/09 | Serving Underage/Sting<br>(2 <sup>nd</sup> Offense) |
| 15. Seaside Wine & Spirits                    | Info To Follow   |          | Serving Underage/Sting<br>(2 <sup>nd</sup> Offense) |
| 16. Shawmut Package Store                     | #2009 – 00176/11 | 03/14/09 | Serving Underage/Sting<br>(3 <sup>rd</sup> Offense) |

- **Ilha Verde Café, Inc., 85 Delano Street (Informational Only)**

**ACTION TAKEN:** Notice sent out on 03/18/09 informing licensee that they are in violation of this Board's Decision of December 22, 2008, which required the licensee, the Manager and all Bartenders must be T.I.P.S. Certified within Forty-Five (45) days of this notice; with copies of those certifications submitted to the Office of the Licensing Board. **(Due February 25, 2009)**

Licensee was given final notice, if the certifications were not received by **April 3, 2009**, they would be required to appear before the Board at its April 27<sup>th</sup> meeting.

- **COMPLAINTS RECEIVED:**  
**-NONE-**

- **DAY OF PORTUGAL EVENT (Informational Only)**  
June 12, 13, & 14<sup>th</sup>, 2009 – Notified To Appear at 04/27/09 Meeting

- **NEXT THREE (3) MEETING DATES: April 13 (Sting Hearings Only), April 27 & May 18**
- **MEETING ADJOURNED:**